

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 22-48 are pending. Claims 22, 30, 41, 43, and 48 are independent. No claim is amended in this paper.

Applicants respectfully traverse Section 1, page 2 of the Office Action.

Applicants submit that the previously added limitations are supported by the foreign priority documents, specifically at paragraph [0025] of JP 06-230281 and paragraph [0047] of JP 06-275936. Therefore, Applicants submit that the effective priority date of the present application is August 31, 1994.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claim 48 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,442,390 to Hooper et al. (hereinafter, merely “Hooper”) in view of U.S. Patent No. 6,553,178 to Abecassis (hereinafter, merely “Abecassis”).

Claims 22-47 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hooper in view of U.S. Patent No. 5,530,754 to Garfinkle (hereinafter, merely “Garfinkle”) and Abecassis.

Claim 48 was also rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,434,748 to Shen et al. (hereinafter, merely “Shen”) in view of U.S. Patent No. 5,721,829 to Dunn et al. (hereinafter, merely “Dunn”).

Claims 22-47 were also rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shen in view of Garfinkle and Dunn.

### III. RESPONSE TO REJECTIONS

#### A. Priority Date of the Present Invention

Claims 22, 30, 41, 43, and 48 recite, *inter alia*:

**“... wherein when display of the program information is resumed after the resume command, a pre-selected segment of the program information immediately preceding a point at which the pause command was requested is first displayed”**,  
(emphasis added).

Applicants submit that the above-identified feature is clearly supported by the foreign priority documents, specifically at paragraph [0025] of JP 06-230281 and paragraph [0047] of JP 06-275936. Specifically, paragraph [0025] of JP 06-230281 and paragraph [0047] of JP 06-275936 disclose “as another alternative method, when data after the pause-on operation is performed is stored, an overlap portion may be provided to some extent.” In light of the Specification of JP 06-230281 and JP 06-275936, the stored data represents video data displayed for a user to watch. Throughout the Specification, JP 06-230281 and JP 06-275936 discloses that the stored data is read for displaying after the pause-off command is performed. Therefore, JP 06-230281 and JP 06-275936 teaches that after the pause-off command is performed, video data in an overlap portion that overlaps the pause-on point are read out and displayed for a user. Therefore, Applicants respectfully submit that JP 06-230281 and JP 06-275936 do provide the support for the above-identified features.

The Advisory Action dated on May 11, 2007 stated that “the overlap is...for synchronizing stored data and the program channels and does not provide support...” Applicants

respectfully submit that the Advisory Action misinterpreted paragraph [0025] of JP 06-230281 and paragraph [0047] of JP 06-275936. Applicants also submit that a literal description of the claimed subject matter in the claim is not required in the Specification.

Therefore, Applicants respectfully submit that the priority date of this Application is August 31, 1994.

B. References Not Eligible as Prior Art

Applicants respectfully submit that claims 22-48 have not been properly rejected since Abecassis, Shen and Dunn, which were used as basis of rejection for claims 22-48, are not prior art due to their later filing dates than the present invention's effective filing date of August 31, 1994.

Specifically, Shen's filing date is February 25, 1997, which is a Continuation of 08/363,375 and has a filing date of December 23, 1994 (now abandoned); Dunn's filing date is May 5, 1995; although Abecassis is a continuation-in-part of Application No. 08/002,998 (now U.S. Patent No. 5,434,678), filed on January 11, 1993, and Application No. 07/832,335 (now U.S. Patent No. 6,208,805), filed on February 7, 1992, Applicants submit that the subject matter relied upon in Abecassis was not present in the parent documents, therefore Abecassis's effective filing date is September 8, 1994.

Applicants submit Abecassis, Shen and Dunn each have filing dates later after Applicants' priority date, and therefore cannot be relied upon as prior art of the present Application. Therefore, Applicants submit that none of the above rejections relied upon Abecassis, Shen, and Dunn by the Office Action is valid, therefore, claims 22-48 are patentable.

C. Response to Rejections Based on Hooper and Garfinkle

Claim 22 recites, *inter alia*:

**“... wherein when display of the program information is resumed after the resume command, a pre-selected segment of the program information immediately preceding a point at which the pause command was requested is first displayed.”**  
(Emphasis added)

Applicants respectfully submit that nothing has been found in Hooper and Garfinkle, taken either alone or in combination, that would teach or suggest the above-identified feature of claim 2. Specifically, Hooper does not teach or suggest wherein when display of the program information is resumed after the resume command, a pre-selected segment of the program information immediately preceding a point at which the pause command was requested is first displayed, as recited in claim 22.

Therefore, Applicants respectfully submit that claim 22 is patentable.

Claims 30, 41, 43, and 48 are similar, or somewhat similar, in scope and are therefore patentable for similar, or somewhat similar, reasons.

Therefore, Applicants submit that claims 22, 30, 41, 43, and 48 are patentable.

**IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

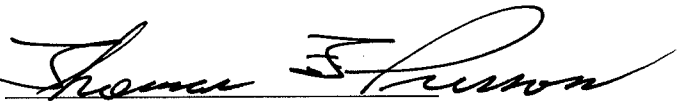
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800